

2,5,7,8-tetramethyl-2H-1-benzopyran-2-yl)methoxy]phenyl)methyl]-2,4-thiazolidinedione (troglitazone). Claims 1-6, 9, 10 and 12-16 read on the elected species.

REMARKS

The Office has restricted the present application as follows:

Group I – Claims 1-6, 9, 10 and 12-16 (in part), drawn to methods of using compounds of formula I.

Group II – Claims 1-6, 9, 10 and 12-16 (in part), drawn to methods of using compounds of formula II.

Group III – Claims 1-6, 9, 10 and 12-16 (in part), drawn to methods of using compounds of formula III.

Group IV – Claims 1-6, 9, 10 and 12-16 (in part), drawn to methods of using compounds of formula IV where v and x are both nitrogen-containing groups.

Group V – Claims 1-6, 9, 10 and 12-16 (in part), drawn to methods of using compounds of formula IV where v and x are not both nitrogen-containing groups.

Group VI – Claims 1-6, 9, 10 and 12-16 (in part), drawn to methods of using compounds of formula V.

Group VII – Claims 1-6, 9, 10 and 12-16 (in part), drawn to methods of using compounds of formula VI.

Group VIII – Claims 1, 7, 12, and 17 (in part), drawn to methods where the PPAR gamma ligand is PGA1.

Group IX – Claims 1, 7, 12, and 17 (in part), drawn to methods where the PPAR gamma ligand is not PGA1.

Group X – Claims 1, 7, 12, and 17 (in part), drawn to methods where the PPAR gamma ligand is a fatty acid.

Group XI -- Claims 19-29 (in part) drawn to a method of providing an article of manufacture.

Group XII – Claim 11, drawn to a method of treating tumors.

Applicants elect, with traverse, Group I, claims 1-6, 9, 10 and 12-16 (in part).

Restriction is only proper if the identified groups are independent or distinct. The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified groups are independent or distinct. M.P.E.P. § 803.

The office has characterized the relationship between all the groups as unrelated. Citing MPEP §806.01 and §808.01, the Office states the standard in this cases for restriction is that if the groups are not disclosed as capable of use together **and** they have different modes of operation, different functions, or different effects. The Office then states that the different groups are drawn to ligands of different chemical formulas to treat different diseases, and that claims 19-29 are drawn towards an article of manufacture; and that the ligands have different core structures and hence have different properties and geometry and bonding.

However, applicants note that all these ligands are PPAR gamma ligands. In addition, the method claims are all methods of inhibiting angiogenesis. Simply because the ligands of the different groups have different chemical structures does not mean they have different modes of operation, different functions, or different effects: they all inhibit angiogenesis; they all bind PPAR gamma. Furthermore, it is well know that many small molecules can mimic the binding of proteins to various receptors, and would presumably have the same mode of operation, function and effects, hence having a different chemical structure does not, alone, result in different modes of operation, different functions, or different effects. Applicants submit that the Office has fail to provide reasons and/or examples of what the different modes of operation, functions, or

effects these different molecules would have, and therefore the Office has not met the burden necessary in order to sustain the Restriction Requirement as required under M.P.E.P. § 803. Withdrawal is therefore respectfully requested.

Applicants also note that Group XI, Claims 19-29, are disclosed as being useful in the methods of Groups I-X, and therefore the standard for restriction of MPEP §806.01 and §808.01 are not met. Withdrawal of this restriction is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Rauch', written over a horizontal line.

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